478, 33 Sup. Ct. 158, 57 L. Ed. 309. Nor is the case of *Baltimore & O. Rd. Co.* v. *Interstate Commerce Commission,* 221 U. S. 612, 31 Sup. Ct. 621, 55 L. Ed. 878, directly in point. The privilege against self-incrimination existed at common law, and the constitution merely guarantees its continued existence. 5 WIGMORE, § 2259. The instant case holds that it is not guaranteed to a corporation, but leaves undecided the question whether or not the corporation has the privilege without the constitution. Possibly this holding is sound if put upon the theory that the right guaranteed by the fifth amendment is a personal right and that a corporation is not a person within the meaning of this amendment. In concluding its holding upon this point the court says, "If I am wrong in the conclusion that a corporation is not protected from self-incrimination under the fifth amendment, and the defendant is injured thereby, it will have its opportunity to have the question more definitely settled in a higher court." It is to be hoped that the Supreme Court may have the opportunity to pass directly upon this vitally important question.

EVIDENCE—HEARSAY ADMISSIBLE UNDER WORKMEN'S COMPENSATION ACT. —Plaintiff's intestate was employed as an ice-wagon driver by defendant, and plaintiff claims relief under the Workmen's Compensation Law; the Workmen's Compensation Commission found as a fact that deceased was fatally injured by being struck by a cake of ice which slipped from his ice-tongs when he attempted to unload it. Nobody was present at the time of the accident, and the commission based its findings on evidence given by the doctor who attended him, a helper, and the decedent's wife, all of whom depended on the story told by the decedent during his illness. An appeal was taken to the Supreme Court, from the award made by the commission, on the ground that there was no legal evidence to support it. *Held,* that under the Workmen's Compensation Law the commission may make an award on hearsay evidence, or other evidence which would be incompetent under the general statutes or at common law. *Carroll* v. *Knickerbocker Ice Co.* (N. Y. App. Div. 1915), 155 N. Y. Supp. 1.

In placing this liberal construction on the act, the New York court has followed what seems to be the spirit of the new Workmen's Compensation Law, though a stricter ruling might have found support from the courts of other states. The section of the Act in question provides: "§ 68. The commission * * * shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, * * * but may make such investigation or inquiry, or conduct such a hearing in such manner as to ascertain the substantial rights of the parties." The court holds that this section abrogates the entire law of evidence as applied by the courts, with the result that the court has no power to go back of the commission's findings of fact and inquire whether such findings were based on satisfactory evidence. In *Reck* v. *Whittlesberger,* 181 Mich. 463, 148 N. W. 247, where the statute did not contain any provision like the one quoted above, the holding was in exact opposition to that in the principal case. The board of commissioners had made a finding based partly on hearsay evidence, and partly on

evidence of a nature that would be admissible in a law court. Justice STEERE, in pronouncing the opinion said that the provisions of the act taken together, show clearly that "the elementary and fundamental principles of a judicial inquiry should be observed, and that it was not the intent to throw aside all safeguards by which such investigations are recognized as best protected." The New Jersey court has ruled that weekly payments awarded could be commuted to a lump sum only on specific findings of fact, based on *legal* evidence. *N. Y. Shipbuilding Co.* v. *Buchanan,* 84 N. J. L. 543. Massachusetts has not passed directly on the question, but the court has twice called attention to the fact that the proceedings before a commission are judicial in character, and should be governed by the same principles. *Stuart McNicol's Case,* 215 Mass. 497; *Wm. Diaz's Case,* 217 Mass. 36. See also the following note.

EVIDENCE—HEARSAY RULE NOT A "TECHNICAL RULE OF EVIDENCE."—In a proceeding in certiorari against the Industrial Accident Commission to review certain proceedings and award under the Workmen's Compensation Act of 1913 which commission by said statute was not to be bound "by technical rules of evidence," *held,* that an award made upon hearsay evidence only could not be sustained. *Englebretson* v. *Industrial Accident Commission* (Cal. 1915), 151 Pac. 421.

In reaching its conclusion, it was necessary for the court to hold that the hearsay rule is a substantial rather than a technical rule of evidence. It would seem rather hard to question the soundness of this decision. The history of the development of the rule clearly supports this view. 2 WIGMORE, EVIDENCE, § 1364. The vital and determinant reason for rejecting hearsay testimony is the desirability of testing all assertions by cross-examination under oath. 1 GREENLEAF, EVIDENCE (16th Ed.), § 98, § 99a; 2 WIGMORE, EVIDENCE, § 1367; *Cornelius* v. *State,* 12 Ark. 782; *State* v. *Medlicott,* 9 Kan. 257, 287; *Westfield* v. *Warren,* 8 N. J. L. 306; *State Bank* v. *Wooddy,* 10 Ark. 638; *Stouvenel* v. *Stephens,* 26 How. Pr. 244; *Miama Queen* v. *Hepburn,* 7 Cranch 290; *Warren* v. *Nichols,* 6 Metc. (47 Mass.) 261. We find the courts also saying, "Its inadmissibility arises from its essential nature." *State* v. *Beeson,* 155 Ia. 355. It supposes the existence of better testimony which might have been produced. *Miama Queen* v. *Hepburn,* 7 Cranch 290. For a contrary decision, see the preceding note.

HUSBAND AND WIFE—DEED FROM HUSBAND TO WIFE OF LAND HELD IN ENTIRETY.—In a cause involving the validity of a deed from husband to wife of land held by entirety. *Held,* that such deed was valid. *Demerse et al* v. *Mitchell et al* (Mich. 1915), 154 N. W. 22.

Fisher v. *Provin,* 25 Mich. 347, holds that after the "Married Woman's Act" a conveyance to husband and wife makes them tenants by entirety. *Vinton* v. *Beamer et al.,* 55 Mich. 559, *Speier* v. *Opfer,* 73 Mich. 35 follow the same doctrine. In *Doane* v. *Feather's Estate,* 119 Mich. 691, it was held that a note of the wife for land conveyed to her and her husband was without consideration because she "did not acquire any interest in the land which